

REMARKS

Claims 1, 7 and 12-25 are active, claims 8-11 having been withdrawn from consideration. The claims have been revised for clarity and to improve express antecedent basis. New claim 19 tracks the compositional limitations in claim 1. Claims 20-23 also find support in claim 1 as well as on page 5 of the specification. Claim 24 is a product-by-process claim which finds support in Examples 1 and 2 which start on page 10 of the specification. Claim 25 finds support on page 3, line 31. No new matter is believed to have been added. Favorable consideration of these amendments and allowance of the case are respectfully requested.

Specification

The applications to which this case claims priority are listed in the Application Data Sheet (ADS). This application represents the national-stage of PCT/EP04/13809 and no copending U.S. applications are identified in the ADS. Page 2 of the specification has been revised to correct a typographical error.

Rejection—35 U.S.C. §102/103

Claims 1, 7 and 12-18 were rejected under 35 U.S.C.102(e) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over, Fischer, et al., U.S. Patent No. 6,730,800<sup>1</sup>. Fischer does not disclose or suggest a shaped catalyst body comprising an active catalyst containing both CuO and Al<sub>2</sub>O<sub>3</sub> admixed with a exogenous binder that is Al<sub>2</sub>O<sub>3</sub>. It also does not exemplify the catalyst of the invention, because its Examples involve admixture of an active CuO/ Al<sub>2</sub>O<sub>3</sub> catalyst with graphite powder, not with an Al<sub>2</sub>O<sub>3</sub> binder.

---

<sup>1</sup> Fischer, et al. is a national-stage filing of PCT/EP01/14394, published as WO 02/48128 on June 20, 2002.

In contrast, the inventors have discovered by selecting the same material, Al<sub>2</sub>O<sub>3</sub>, as both the oxidic support for the active CuO containing catalyst and also as the binder, an easy-to-produce catalyst having high activity, selectivity, and stability is obtained, specification, page 2, lines 8-11.

While Fischer describes a catalyst containing CuO and an oxidic support material that is Al<sub>2</sub>O<sub>3</sub> (see e.g., claims 1 and 4 in col. 13), it does not disclose or specifically suggest selecting Al<sub>2</sub>O<sub>3</sub> as both the oxidic support material and as the binder. While the oxidic support and binder both contain Al<sub>2</sub>O<sub>3</sub> they are distinct components, for example, the Al<sub>2</sub>O<sub>3</sub> is in fine dispersion in the active catalytic component, which in particular form as the binder, specification, page 5, lines 19-20.

The attached Declaration shows the significant structural differences between the prior art catalyst, as exemplified in Example 2 of Fischer, and that of the invention. The prior art catalyst was made by steps analogous to those in Example 1a of Fischer which do not involve admixing the active catalyst produced from a metal salt suspension with a Al<sub>2</sub>O<sub>3</sub> binder. Rather, the active catalyst containing both CuO and Al<sub>2</sub>O<sub>3</sub> is admixed with graphite. As shown in the Declaration, the graphite binder in the prior art catalyst is chemically distinct from the oxidic support material (Al<sub>2</sub>O<sub>3</sub>) in the active catalyst. Structural differences between the prior art catalyst and that of the invention are shown and described in the Declaration.

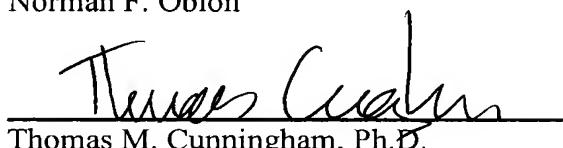
Consequently, as the prior art does not exemplify the catalyst of the invention, disclose with sufficient specificity a catalyst comprising the same material as both an oxidic support component of the active catalyst in combination with a second binder that is the same as the oxidic support material, it cannot anticipate the invention. Similarly, the prior art does not suggest the selection or recognize the superior properties of making such a selection and cannot render the invention obvious. Accordingly, this rejection cannot be sustained.

Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

  
\_\_\_\_\_  
Thomas M. Cunningham, Ph.D.

Registration No. 45,394

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)